

REMARKS/ARGUMENTS

The Office action dated April 16, 2010 has been received and carefully considered. By this amendment, claims 1-20 have been canceled, and claims 21-39 have been added. After entry of this amendment, claims 21-39 will be pending. In view of the amendments and the following remarks, Applicants respectfully request reconsideration.

Amendments

Claims 1-20 have been canceled and replaced by newly added claims 21-39. Cancellation of claims 1-20 should also render moot the rejections set forth as by the office. It is noted that ***the newly added claims correspond in large part to previously issued claims 1-19 of U.S. Pat. No. 7,754,263.*** As the '263 patent is a divisional application of the present application, support for the elements is provided and corresponds in large part to the support as noted in the accelerated examination support document for the '263 patent.

Regarding previously cited references Miljkovic (U.S. Pat. App. No. 2002/0187239) and Bucheli (J. Agric Food Chem 2000, Vol. 48, No. 4), the applicant points out that mycotoxins are known to be associated with coffee fruit, and that much of the analysis in the literature is focused on mycotoxins in/on the bean. As noted by the examiner in the office action on page 9 regarding Bucheli, ochratoxin levels can be reduced in coffee by properly handling and drying the whole coffee cherry. While the examiner's statement *per se* is not disputed, it is noted that Bucheli's teaching is vague and of general nature. Indeed, while a reduction in certain mycotoxins can be expected by properly handling and drying, it is also clear from Miljkovic that numerous washing and drying protocols fail to produce the presently claimed low mycotoxin levels. In this context, particular attention should be given to Figures 1 and 3 and corresponding description in the '239 reference from which it can be clearly taken that all samples tested in the '239 reference had (in the absence of any detoxification steps) significant aflatoxins and ochratoxin content. Even more significantly, as is evident from Figure 3, aflatoxins levels remained extremely high, even where washing and forced air drying was employed, while ochratoxin levels could not be satisfactorily reduced in most detoxification processes. Thus, in light of the results provided by Miljkovic, the general nature of Bucheli's teaching is not enabling and fails to meet the claimed limits on the specific mycotoxins.

The previously cited Drunen patent (U.S. Pat. No. 6,572,915) and Boniello patent (U.S. Pat. No. 4,867,992) are entirely silent on the issue of any mycotoxins in extracts as presently claimed. Based on the newly submitted claims and arguments, the applicant believes that all claims should now be in condition for allowance.

Request For Allowance

Claims 21-39 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
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